ATTACHMENT FOR THOMASES

PHILADELPHIA WORM TURNS IN PROVIDENT LIFE CASE.

Sheriff Trying to Find Edward R. and Orlando F. to Serve Injunction-Coyle Says He Was a Victim of Fraud-Wants \$170,000 Cash and \$830,000 on Notes.

An attachment for \$470,000 against the property of Edward R. Thomas and Orlando Thomas was granted to John J. Coyle of Philadelphia yesterday by Justice Truax in the Supreme Court and was served by Deputy Sheriff Erank J. Burnes on the Mercantile National Bank, the Consolidated National Bank, the Hudson Trust Company, the Mechanics and Traders Bank and obert Maclay & Co., all of which concerns

e believed to have in their possession money or securities belonging to one or both of the Thomases. The attachment was also served on Edward Lauterbach, counsel for Edward R. Thomas.

The attachment is the result of the failure of the Thomases to make good on their scheme to sell the control of the Provident Savings Life Assurance Society and \$1,000,-000 in Western Ice Company 5 per cent. bonds to Coyle and a syndicate of Philadelphians whom Coyle was said to re-present. Coyle has begun a suit in the Supreme Court to recover from Edward R. and Orlando F. Thomas \$1,150,000, made up as follows: \$1,000,000 in promissory notes which he says the Thomases induced him to make to their order in payment for the ice bonds that were never delivered; \$50,000 he says he raid in cash, and another \$50,000 on a promissory note, which he says the Thomases discounted in their Hamilton Bank, he paying the discount and they taking the net \$50,000; and another, \$50,000 which Coyle says he spent or incurred liabilities for in connection with the deal that fell through.

The \$50,000 cash payment and the \$50,000 promissory note given by Coyle constituted an advance which Coyle says the Thomases asked him for to enable them to release the 1,056 shares of the Provident Savings Life Assurance Society, which stock, he says they told him, they had hypothecated for a loan of \$100,000.

The reason Coyle got an attachmen for only \$470,000 instead of the full amount of \$1,150,000 is that, he says, since he gave the \$1,000,000 in fromissory notes on October 7, 1907, the Thomases have been able to discount or negotiate, he believes, only \$320,000 worth of the notes and still have \$680,000 worth on hand. The \$320,000, the \$50,000 cash, the \$50,000 note and the \$50,900 claimed for expenses make up the amount of the attachment.

Coyle also got an injunction to restrain the Thomases from parting with, disposing of, negotiating or sellin; any of the notes representing the balance of \$680,000 or any of the bonds or stocks affected by the suit Coyle's lawyers in this city are O'Brien, Boardman, Platt & Dunning, of which

firm Morgan J. O'Brien is at the head. Mr. O'Brien has personal charge of the case. The summons and complaint show that Coyle began his suit on November 2, so that he waited over a month before making up his mind to get an attachment. There was some talk yesterday that it was the intention also to get a body attachment against the Thomases, but up to the time of closing the Sheriff's office no such order had been served on the Sheriff.

Coyle says that on September 4, "with toyle says that on September 4. "With intent to deceive and defraud this plaintiff," the defendants "fraudulently and in order to induce him to part with his money and other. valuables" represented to Coyle that the surplus of the Provident Life on that date was about \$300,000, whereas it was really about \$75,000. They also repre-sented, he says, with the same intent and that the official statement filed by the society with the State Superintendent of Insurance showing its financial concorrect statement, though they knew that it was a false and misleading state-

ment, as the surplus shown on that date, \$339,000, was overstated by \$69,000.

On the same day, Coyle says, the Thomases told him that they owned and had in their actual possession 1,056 shares of stock of the Provident Life out of a stock of the stock of the Provident Life out of a stock of the Provident of stock of the Provident Life out of a total of 1,250 outstanding, and that they were able and willing, for a price, to deliver not only the 1,036 but the whole 1,250 shares to him if he would buy. They

1.250 shares to him if he would buy. They didn't have the stock, he says, and couldn't deliver it, as they well knew.

Twenty days later, on September 24, Coyle goes on, the Thomases falsely represented to him, and he believed them, that the market price of the 5 per centbonds of the Western Ica Company of New Jersey, a corporation with which the Thomases have been identified since its ignoration, was between \$1 and \$90\$, whereas its inception, was between 81 and 90, whereas as a matter of fact it was only 64 or 65. At the same time the Thomases told him. Coxie says, that the Hudson Trust Com-pany would guarantee for their full term, if he would purchase, the interest on these toe bonds. The Hudson Trust Company never offered to do anything of the kinu, Coyle says, as he found out and the Thomases were well aware. Edward and Orlando went on to assure Coyle that they owned outright \$1,000,000 worth of the Western

bonds: He has since learned that Ten days later, on October 4, the Thomases told Coyie that if he would buy the ice bonds they could assure him that the Hudson Trust Company would give him a one Trust Company would give him a one year guarantee for the interest and they themselves would personally guarantee the payment of all interest accruing thereafter until the bonds matured, and in the event of any breakdown in this guarantee they would take the bonds back and return

they would take the bonus back him the purchase money.

They never intended to do any such thing, Coyle now says, and they have refused to give him back his money on the bends. But in order to assure him of bends, but in order to assure him of bends. bends. But in order to assure init of the stability of their personal guarantee. Coyle says, the Thomases told him that Edward R. was worth easily from \$10,000,-000 to \$20,000,000, and that Orlando was worth at least \$1,000,000, so that there need be no fear on his part of their failure to keep any personal obligations they might incur. Coyle is now convinced that neither of the defendants is financially responsible, or at least not to any such extent as they duced htm to believe.

Relying on all these cales and fraudulent hisrepresentations, Coyle says he was induced on October 5 to enter into a con-

induced on October 5 to enter into a constract to buy all the 1.250 shares of the Provident Life and all the \$1,000,000 worth of Western Ice bonds, par value. And it was his intention there and then, he says, to buy these stocks and bonds and pay for them.

But the contract once signed, the Thomases confessed that their Provident Life stock was hypothecated and that Coyle would have to put up \$100,000 to get the 1,036 shares. If he would put up the money they would get the stock released, they told him, and would then turn over the stock to him.

Coyle did put up the \$100,000, but no stock was forthcoming except just eight shares, which were handed over to Coyle later along with the resignations of certain officers. The contract for the purchase and sale of the Provident Life stock provided that the Thomases, along with the stock; were to deliver to Coyle the written resignations of every member of the board of directors and of every officer of the society from the president down. When the time came so hand over these resignations all Coyle got was the resignations of nine of the directors and of the comptroller, actuary, treasurer, secretary and solicitor. The rest

weren't resigning.
On October 7 Coyle was told that the Thomases would let him have the Western Ice bonds if he would give them \$1,000,000 in promissory notes first. He was not required under the contract to part with his notes before getting the bonds, he says, but did so under the persuasion of the Thomases. He has since found out that

they hadn't the bonds, couldn't deliver them and that the bonds weren't worth them and that the bonds weren't worth the money anyway. He has also found out that the Thomases have discounted out that the Thomases have discounted \$329,000 worth of his paper and realized the

reproductive and a contraction of the contraction o

cash on it. Three weeks after he had given his notes. Coyle says, the Thomases confessed that they couldn't live up to their part of the contract though he had lived up to his; but when Coyle demanded the return of his cash and paper he was met with re-fusals, though he offered on his part to re-turn the resignations of the Provident officers he held and the eight shares the Thomases had handed him.

homases had handed him.

In his affidavit Coyle says that his nepotiations with the Thomases began through
one F. Van Buskirk, and that he offered
he Thomases \$325,000 if they would deliver to him all the 1.250 shares of the Provilent Life. He says that the statement
the Provident's supplies as submitted. of the Provident's surplus as submitted to him contained assets to the tune of \$85,000 which he says are worthless, and was short \$145,000 in the liabilities table.

Edward R. Thomas is a non-resident of

this State, having his legal residence in New Jersey, so the attachment issued against his property on that account as well as on the charges of fraud and misrepresentation contained in the complaint. Orlando F. Thomas is a resident of New York. Efforts were made in varie verserday. York. Efforts were made in vain yesterday afternoon by Deputy Sheriff Burnes to reach the Thomases, and effect a personal service of the attachment.

Edward Lauterbach, Thomas's lawyer, seemed much irritated over the attachment proceedings, and when asked if he would

ake any statement concerning the case replied shortly:
"Only this, that we don't care a rap for this suit: it don't bother us at all. In fact we consider that Mr. Coyle still owes us for the balance of the promissory notes

BROKER HENNING REINSTATED. Exchange Floor Trader Settles All the Claims Against Him.

he gave us."

J. W. Henning, who until his suspension on October 22, 1906, was one of the largest and most daring floor traders on the New York Stock Exchange, was reinstated yesterday, having settled all claims against him, and satisfied the rules of the exchange.

Mr. Henning made large profits in Reading, and in 1904 was reputed to be worth several million dollars. The following winter he overstayed his market and a profit of about \$1,100,000 which he had in Reading alone was all lost.

In October he failed to meet his Clearing House balance. He paid an obligation reported to be \$45,000, in a check which was returned marked "Insufficient funds," and the announcement from the

and the announcement from the rostrum of his suspension followed. He has been quite active in the breeding of racehorses and has had some winners at the Belmont track.

IMPROVEMENT AT PITTSBURG. Large Contracts Reported-Cash Replacing Cashiers' Checks.

PITTSBURG, Dec. 12.-The report is current in Pittsburg to-night that the Union Pacific Railroad has given the contract for 35,000 tons of rails to the United States Steel Corporation.

Another large contract made to-day was for 2,300 tons of cast iron pipe for the city of Phonix, Ariz., to be furnished by the American Cast Iron Pipe Company American Cast Iron Pipe Company.

No scrip was used in the semi-monthly pay at the plants of the H. C. Frick Coke Company yesterday. The Frick company is the largest is the largest corporation in the coke region.
Employees of the Pittsburg and take Erie
Railroad here to-day received their November wages all in cash. Clearing house
checks were used last month.

DIVIDEND IN CERTIFICATES. Atlantic Coast Line Substitutes 4 Per Cent.

Obligations for Cash. The Atlantic Coast Line Railroad declared yesterday the usual semi-annual dividend of 3 per cent. on its common stock. but made it payable in the company's 4 per cent. certificates of indebtedness instead of in cash. In a statement given out it was said in explanation that the money was being reserved on account of the extions and in order to provide for extraordinary betterments and improvements nearing completion. The t per cent. cer-tificates in question were some time ago purchased by the company from the notal. s and have since been held as an investment in the treasury of the company.

Controls St. Louis Light and Power.

The Union Electric Light and Power Company of St. Louis, a subsidiary of the North American Company, has purchased from E. M. Clark & to. of Philadelphia the Laclede Power Company of St. Louis. This gives the company control of all the light and traction companies of the city. The Laclede Power Company operates the Edison Electric Illuminating Company of St. Louis. The purchase was accomclished by the exchange of securities of the Union Electric Light and Power Com rany for the Laclede Power Company, which has \$1,000,000 of capital outstanding and pays 5 per cent. annually. Approxi-mately \$3,000,000 of Union Light stock was reported to have been given in exchange Union Light Company had just in-sed its capital stock from \$10,000,000 to \$18,000,000.

Importers Settle for \$40,000.

The suit instituted by the Government against Georges Mesmin & Co., dress goods importers of 1 Greene street, to recover customs duties was dismissed yesterday in the United States District Court on the promise by the firm of a cash payment of \$40,000 to the Government. The duties amounted to between \$10,000 and \$15,000, but the law allows the Government to bring suit for three times the value of the importation after a certain lapse of time.

MISCELLANEOUS MARKETS.

Coffee and Provisions Firmer. -A small advance took place in coffee, de spite disappointing advices from Europe There was an absence of offerings. This provement here. There were reports of a etter spot demand and the warehouse de liveries on Wednesday increased to 15,053 bags, against 7,106 on the previous day and 12,002 last year.

Spot coffee steady. Rio No. 7, 61/4c. Futures closed 5 to 10 points higher. Tone steady. Sales, 26,250 bags. Havre advanced 1/5f. Hamburg unchanged. Rio unchanged: exchange unchanged at 15 9-32d.; receipts. 8,000 bags; stock, 480,000. Santos unchanged receipts, 24,000 bags; stock, 2,172,000. Paulo receipts, 26,100 bags; Jundiahy, 13,000

PROVISIONS.—Lard quiet; prime Western, \$8.80; refined Continent, \$8.90; South American, \$9.75. Pork quiet; mess, \$15\(\alpha\) 1.5\(\alpha\) 5.75. Tallow quiet; city, \$5\(\alpha\) 6.8\(\alpha\) 5.75. Butter—Creamery, extras, 29c. Cheese—State, f. c., small, colored or white, \$15\(\alpha\) c. Eggs—Western, firsts, \$1\(\alpha\) 33c. Chicago, Dec. 12—"Buying by Eastern shippers gave a further buige to the hog market and this caused the early advance in provisions, on which there was a fair investment demand. The improvement drew out liberal offerings from one of the larger packers and local operators, and this pressure caused a reaction to about yesterday's close." Prices follow:

\[\begin{align*} Open-High-Low- Clos- Prev. & 19. & 24. & 19. Provisions.-Lard quiet; prime Western,

GOSSIP OF WALL STREET.

Yesterday's market was a sad disappoint bull side. They thought that news like that which came from Washington would suffice for a rise of several points and acted accordingly, but found that the only effect was an advance of a point or so at the opening, which was lost again as soon as their own buying ceased. Instead of making a profit on the good news they were forced, to shoulder paper losses on the stocks which they bought at the opening, with little hope that anything would turn up to allow them to get out on the vinning side.

Some of the traders who were stung as a result of their venture on the long side at the opening indulged in sarcastic remarks to the effect that those who spoke of the decline in the market in the last year as the "Roosevelt panic" would have to find another name for it, since the announcement that the President adhered to his promise not to run again was barren of effect on the side of recovery. They seemed to forget that whoever might be the next President the country would still have to stand nearly fifteen-months of osevelt. The prospect of relief at the end of that time was too remote and contingent to form a bull factor. The very traders who treated it as such would have laughed at an attempt to advance a particular stock on the ground that in a year from now it would eceive an increased dividend or a special distribution of some kind. In such a length of an unfavorable kind in a particular stock. and nobody of course could tell what "my policies" might evolve in that period to dis

It could not be said that the money market checked the upward movement in prices of stocks, for call money was considerably easier than on the preceding day. The first were arranged at 10 and 11 per cent, after hich the rate dropped down to figures much lower than any considerable amount had been loaned at on Wednesday. Prominent bankers said the rerewal rates were more in keeping with the actual money conditions than those of a weekago, and in explanation of the low rates quoted last week it was said that the bankers boped in that way to help along the restoration of confidence and found to their no small mortification that they were elping speculation instead. The situation. they said, was mending gradually and they would like to see a corresponding improve-ment in the stock market, but were determined to prevent at the present time an aggressive bull movement as something not only unwarranted but likely to prove hurtful.

What the banking interests want is a bond parket, and they are very well satisfied with the progress which has been made in that direction. Most of the large institutions report that they have recently received many nquiries in regard to desirable bonds for investment; that in addition to the activity the bond department of the Stock Exchange a great many transactions have been made outside, and that they have had the satisfaction of finding the amount of really good stuff floating around much smaller ban they anticipated.

The weekly statement of the Bank of Engand should have been sufficient for a rally n the market. It was not merely satisfacory it was exceptionally favorable. Despite enormous drain of gold to this side the estitution showed a proportion of reserve per cent, above the average for the correponding week in the last seven years. The scount rate remained unchanged, but with uch an excellent report very little doubt was left anywhere that a reduction would be made next week. This would exert a good effect throughout the money markets of the world.

New York Central was weak all day and pulled down the general list every time the professionals tried to rally the market. For the weakness in Central no definite explanation was heard, but there were rumors enough to keep the traders interested. One of these was that the directors held a meeting in the ourse of the forenoon, presumably to consider the dividend question, but this was denied. Another story was that the diviend might be declared at the regular rate, but would be paid in scrip instead of cash. There was a great deal of discussion of the financial needs of the company and the supposed source of the liquidation in the stock. closed, while in official quarters it was stated that the dividend would be acted upon before rest week and that an announcement of the proposed financing could not be made for

There was a wide opening in Union Pacific, transactions to the amount of 9,000 shares occurring simultaneously at prices ranging from 116% to 117%. The latter price was highest of the day and the highest so far since the reaction earlier in the week. . The sharp rise at the opening was dise to the operations of traders who regarded the anuncement of the President's intention to adhere to the promise made on the night of his election that he would not again run for his high office as an indication that there would be a letup in the policy that has made the Harriman system the subject of much unesired attention from the Government in the last year or so. For this assumption there was of course no warrant, nor was there any for the contrary argument used later that as the present Administration still had agrear and a quarter to run its anti-corporation policy would be pushed as far as possible within that time.

The heaviest decline in any of the active stocks was suffered by American Smelting and Refining. This was not an enviable prominence, but it was in keeping with the stock's recent record for rapid movements in one direction or the other. Smelters is now the favorite gambling counter of a number of professional operators who care not a whit on which side they make their money so long as they get enough of it. Probably if American Smelting and Reflning did not so easily lend itself to their operations they would select another stock, but they have no reason to be dissatisfied with their present medium. They knock it down when it suits their purpose, encourage the growth of a short interest, and then make this the means to secure profits on the side of recovery. Possibly underneath it all there is some really important operation-accumulation or dis-tribution, with the appearances in favor of the latter. That Smelters is a valuable stock is admitted in all well informed quarters, but the character of the manipulation is hardly calculated to make the security attractive to

stocks occurred in the first hour. The business tapered off around noon until it nearly reached the vanishing point, but again broadened and in the last hour once more assumed fair dimensions. Reading led in point of activity with something more than one-fifth of the total number of shares dealt in, but without net price change. Union Pacific came next in point of activity and showed a fractional gain, while Smelters and Amalga-mated Copper, which for activity occupied respectively the third and fourth places, suffered substantial declines from Wednesday's closing.

The Graham Chisholm Company, stationer and printer at 63 Cliff street, has made an assignment to Florence J. Sullivan, lawyer of 229 Broadway. The inventory of February last showed assets \$84,782 and liabilities

Ashley H. Miner, trading as the Bombyx Silks Company, this city, confessed judgment resterday to Paul Gerli & Co. for \$17,348. A creditors' petition in bankruptey has been filed against the Cassanges & Gensjor Tobacco Iled against the Cassaus Company, 155 Mowery.
Adolph Helekafof Kuenstler & Helekal, restarrant, 92 William street, has filed a petition
in bankruptcy, in which Max Kuenstler refused
to join. Liabilities are given as \$16,149 and

to join. Liabilities are given as \$16,149 and assets \$4,050.
Schedules in bankruptcy of Milne, Turnbuil & Co., Importers of cotton goods at 3 East Sevent-eenth street, show liabilities \$132,239 and nominal assets \$131,837.
Schedules in bankruptcy of the Kohl-Hepp Brick Company, 439 Fifth avenue, and plant at Sayreville, N. J., show liabilities \$135,945 and nominal assets \$220,522.

NEW HAVEN R. R.'S CUSTOMER FOR THE BOSTON AND MAINE.

President Mellen's Proposition Makes Railroad Men, Washington and Boston Sit Up-Maybe Massachusetts, Would Rather

The report that it is the Canadian Pacific which is negotiating with the New Haven for the latter's holdings of Boston and Maine stock was confirmed at the headquarters of the company in New Haven yesterday. New Haven directors hold meetings here to-day and to-morrow and will discuss the offer. President Charles S. Mellen said vesterday that the negotiations would not be concluded speedily That was the opinion of many other railroad men who were inclined to believe that the plan would be opposed by other prominent railroads, to say nothing of the possibility of opposition from State authorities in New England and the Federal Administration at Washington.

Many prominent railroad men were astonished at the opening of the negotiations. They pointed out that for years it has been the policy of the big railroads in this country, especially of those roads interested in traffic from the Northwest to the Atlantic seaboard, to resist encroachments on American territory of the Canadian Pacific. a very ambitious company supported and subsidized by the Canadian Government. All the Eastern trunk lines. it was said, have a direct interest for the reason that the completion of the deal would give the Canadian Pacific two good Atlantic ports, Boston and Portland, for "When a man says things in a temper the unloading of traffic now transferred in and then apologizes I think that is all he part to the trunk lines at Chicago by American do. The apology is acceptable to me," can roads in the Northwest.

. When the New York Central bought the Rome, Watertown and Ogdensburg the principal object was to prevent the road from falling into Canadian hands, then reaching out to secure traffic connections with the seaboard. The same policy has been put into effect on many other occasions. It could not be learned yesterday that any of the trunk lines had been consulted by President Møllen regarding their wishes in the matter.

In a statement given out at Boston Mr. Mellen brought up a new phase of the negotiations. The purchaser of the Boston and Maine stock, he said, must at the same time take off the New Haven's hands the New England Investment and Security Company, which controls a dozen traction properties in Massachusetts Mg. Mellen stated the case as follows:

"Whoever purchases our Boston and Maine stock I believe will also be required at the same time to take control of the New England Investment and Security Company, settling its indebtedness, which we now hold

"To the sale of the Boston and Maine stock separately I am opposed; to the sale of both, considering the controversy that has arisen. I should feel disposed to assent.

"There is little likelihood that the matter will be concluded hastily. It is a large transaction and will take considerable time to arrange in all its details, nor is it by any means certain that a sale will result However, it is most encouraging to learn that there are parties disposed to believe we have not paid an undue price for what we have acquired." New England Investment and Se-

curity Company was organized in 1906 to take over the street railroad properties in Massachusetts controlled by the Con-solidated Railway Company, a New Haven subsidiary which still owns the company's Irolley properties in Connecticut and Rhode Island. It has outstanding \$100,000 com-mon stock and \$10,000,000 preferred. Four per cent, cumulative dividends on the pre-ferred are guaranteed by the Consolidated which has also undertaken to redeem the case of liquidation.

The New England company was organized because of opposition in Massachusetts to the ownership of trolley properties in the State by non-resident corporations in the railroad business. Just how the Massachusetts authorities would regard a transfer of the company to a Canadian railroad corporation is, it was agreed in railroad circles, a matter of interest and

importance.
It was reported from Washington that the Administration was already taking a keen interest in the project. It was considered certain that it would be reviewed closely by the Massachuseits authorities. There was much speculation also as to the attitude of the Dominion Government, which has subsidized the Canadian Pacific which has subsidized the Canadian Facinc and might not be willing to continue pro-tection to a company which sent Canadian traffic to American ports. There were in fact so many suggestions of interference on the part of various Government authorities that the project became one of the most interesting railroad schemes that has been born inmany months. In some well informed quarters it was sug-

In some well informed quarters it was suggested that the negotiations might have a tendency in the long run to allay opposition now existing to the New Haven, and perhaps fo the Canadian Pacific. It was recalled that when Mr. Mellen was persuading the Massachusetts Legislature to ratify the Boston and Maine deal he said that the New Haven took the control to keep the road away from another bidder. It was considered possible, it was said, that the Massachusetts Legislature, confronted with a choice between the Canadian Pacific and the New Haven, might prefer ownership of the Boston and Maine by the latter. Similarly, it was said, the Canadian Pacific might get valuable concessions from the Dominion Government by deciding eventually near the acquire lines connection, with Dominion Government by deciding eventually not to acquire lines connecting with perts this side the border. At any rate it was agreed that with Sir Thomas G. Shaugh-nessy and Charles S. Mellen in charge of the negotiations the transaction was in the ands of two masterly railroad politicians

Court Calendars This Day.

Supreme Court Appellate Division Judgments Sos. 85, 63, 50, 23, 49, 69, 83, 95, 103, 104, 105, 106

CANADIAN PACIFIC WANTS IT ANSON ME BEARD APOLOGIZES. Says He's Sorry He Accused Jerome of Conspiracy.

District Attorney Jerome took occasion in the Tombs police court yesterday publicly to rebuke Anson McCook Beard, sonin-law of James J. Hill, who appeared for Joseph H. Sulzbacher of the Exchange firm of J. H. Sulzbacher & Co. when he was arrested on Tuesday night on a charge of attempting to get a witness to leave the State. In the newspapers and when Sulsbacher was arraigned before Magistrate Corrigan Beard charged the District Attorney's office with conspiracy and said he was going to ask Gov. Hughes to have Mr. Jerome removed.

When Sulzbacher's case was called yesterday Mr. Jerome was in court with his assistant, Mr. Kresel, who also was criticised by Mr. Beard. Before the proceedings started Mr. Jerome said:

"I have been apprised by what has appeared in the newspapers that a fresh young man named Beard-Anson McCook Beart. I believe-has charged me and my assistants with conspiracy and has threatened to appeal to the Governor. If any wrong has been done I want to know about it, and as the young man is in court now I ask that he be sworn."
"Come and be sworn," said Magistrate Corrigan to Mr. Beard, whose face was flushed. Mr. Beard didn't want to be sworn.

"I have always had the highest regard for Mr. Jerome," he said hastily. "The newspaper reports of what I said were exaggerated." "I'm not so sure about that," replied

"I may have been incensed because my client was not released on bail," said Mr. Beard, "and I may have said something which I should not have said, and I

can do. The apology is acceptable to me," said Mr. Jerome.

"And you know from your own experience," added Mr. Beard, "that you are often incorrectly reported."

"I know," said "Mr. Jerome emphatically, "the resorters always get mameaning

"that the reporters always get my meaning if they do not get the exact words I say."

Mr. Jerome abruptly left the court.

James W. Oaborne appeared for Sulzbacher yesterday. The examination was put over for a week.

CIGARETTE SEIZURE CASE. British American Tobacco Co. Answers That Government Has No Jurisdiction.

NORPOLK, Dec. 12.-The British Amerian Tobacco Company, claiming ownership of the 8,750,000 cigarettes valued at \$7,272.50 which were seized by the Government in October while in transit here for export to England and Singapore, to-day filed its answer to the information filed by the Government for the forfeiture of the cigarettes because of alleged combinations and

ettes because of alleged combinations and conspiracies in restraint of trade in violation of the Sherman anti-trust laws.

The respondent asserts that if it is possible for the law under which the Government is proceeding in this case to be construed as authorizing the seizure of said cigarettes in advance of a judicial determination that this respondent is violating said law the said act would be unconstitutional because confiscatory and entailing. tonal because confiscatory and entailing unreasonable loss to this respondent, whose business would be annihilated by the re-peated seizures before a legal test of the

w could be made.
The British American Tobacco Company admits that for business convenience it maintains an office in New York, but says it is a British corporation and that all its contracts were entered into on British soil and are not subject to American statutes.

The company denies that the contracts have in any contract to restrain comhave in any way operated to restrain com-

WALSH'S R. R. MANIPULATIONS. Alleged to Have Turned Bankruptey Into

Prosperity by Juggling Figures. CHICAGO, Dec. 12.—Thousands of dollars of book entries alleged to have been juggled, by means of which it is charged that John R. Walsh transformed a bankrupt railroad running through the woods of Wisconsin.

The directors of the Second National Bank have submitted a proposition to increase the stock from \$500,000 to \$1,000,000. The matter will be voted on at the stockholders' meeting January 14.

The Bethlehem Steel Company has sent out notices to holders of the first extension mortaneous that coupons and serial material that coupons into an apparently raying property, were offered in evidence to-day at the Walsh

trial.

Direct orders of J. N. Faithorn, an associate of Walsh in exploiting the Wisconsin and Michigan road, it was alleged, was the reason for these entries.

In one instance it was asserted that \$637,041, interest on the first and second mortgage bonds of the Wisconsin and Michigan Railroad, was manipulated and shown as unpaid on the books of the company June 30 last.

On another occasion, according to the testimony, when the accounts showed

testimony, when the accounts showed that the railroad had run behind more than \$240,000 the defendant instructed that the \$240,000 the defendant instructed that the profit and loss account be balanced, the sum being charged to the cost of railroad

STATE RECEIVER TAKES CHARGE. Waters-Pierce Oll Company Now in Hands

AUSTIN, Tex., Dec 12. District Judge Wilcox late last night issued an order enforcing the previous orders issued by that court appointing a receiver for the Waters-Pierce (al Company and defining his powers and duties.

This order has the effect of vacating the

Faderal receivership of the company to-day, which was taken in charge by R J. Eickhardt, the State receiver. It is understood that the receiver will settle in full back taxes for which suit was brought

Takes Away 10,000 Barrels of Apples.

The White Star liner Celtic, which sailed vesterday for Queenstown and Liverpool, had aboard 1,600 returning aliens. including 200 who could afford to take second cabin passage, and 10,000 barrels of American apples. If she had not had so many apples in her cargo space she might have taken more emigrants. The Touraine of the French Line had room for only 900 emigrants and sent 600 that expected to sail on her over to the Hamburg-American liner Amerika, which also went away with her steerage filled. The Rhein of the North German Lloyd Line took out all she could carry in her steerage.

Ref uses Call to the Rev. Jere Cook's Pulpit. HEMPSTRAD, L. I., Dec. 12,-The Rev. Frederick W. Goodman, who was recently called to the rastorate of St. George's called to the rastorate of St. George's Church here, to fill the vacancy caused by the departure of the Rev. Jere Knode Cook, who eloped with Floretta Whaley, has declined to accept the pastorate of the church. He gives no reason for his action. Mr. Goodman is without a parish, and as he has preached several times recently at St. George's it was supposed that he was a candidate for the place.

Masonie Club Merger in Brooklyn. The Aurora Grata Club of Brooklyn. which was organized about twenty years/ ago, will go out of existence at the close of the year and be merged with the Magonic Club of Brooklyn, which has a membership of nearly 1,000. The home of the new club in Bedford avenue and Madison street is to be renovated at a cost of \$5,000.

The copper market in New York yesterday

The copper market in New York yesterday remained unchanged. In London the market continued to slide off. Spot copper declined 10s. to £38 15s. and futures declined 5s. to £60 5s. Sales were 500 tons of spot and 700 tons of futures. Tin in London closed strong at £127 5s. for spot and £128 15s. for futures. Spelter was lower at £20 7s, 6d., and lead was weak at £13 17s. 8d. Iron warrants were steady at 48s. 8d for standard foundry and 49s. 3d. for Middlesbrough.

Court of Appeals Calendar.

MECHANICS AND TRADERS BANK

ORGANIZED 1830

This Bank has been in existence over THREE-QUARTERS of a CENTURY. is one of the founders and a member of the NEW YORK CLEARING HOUSE ASSOCIATION, and is thoroughly equipped to provide excellent facilities for its patrons

THE

TRUST COMPANY OF AMERICA

37-43 WALL ST., NEW YORK

COLONIAL BRANCH: 222 BROADWAY, New York.

LONDON OFFICE : 95 BRESHAM ST., London, E. C.

TO MINORITY STOCKHOLDERS OF Metropolitan Street

Receivers have been appointed of the property of Metropolitan Street Railway Company, and a suit to foreclose its mortgage, to the Morton Trust Company, Trustee, and other lingations involving its property and affairs, are now pendiug. The Interborough-Metapoolitan Company, which owns the great majority of its stock, has other and conjucting interests, including its control of the New York City Railway Company, lessee of the xetropolitan Street Italiway Company's properties. In view of these fagts, 4t. seems, necessary that there should be an independent Committee to maintain and protect the rights and interests of the minority stock of the Metropolitan Street Railway Company. At the request of holders of a large amount of such stock, the undersigned have consented to act as such Committee, under a stock-holders' protective agreement, dated December 19th, 1997.

9th, 1907.
Stockholders who desire to benefit by the united action provided for by this agreement should deposit their stock with the MANHATTAN TRUST COMPANY.

20 Wall Street, New York City

or the
FIDELITY TRUST COMPANY,
327 Chestnut St., Philadelphia,
the Depositaries designated in said agreement,
Because of the necessity of prompt action on behaif of the minority stockholders in connection
with pending litigation, and otherwise, such deposits should be made tomediately.
Negotiable certificates of deposit will be issued
by the Depositaries respectively. Copies of the
agreement may be procured from either Depositary
or from Counsel.

or from Counsel.

JOHN I. WATERBURY, Chairman,
New York. EDMIND C. CONVERSE, New York HARRY S. HOPPER, Philadelphia. SIMPSON, THACHER & BARTLETT, Counsel, WILLIAM P. LAND TO SERVICE OF THE SERVICE OF T

A THOROUGHLY capable and experienced Secretary of a Corporation desires to make a change and will accept similar position January 1st, 1909 COMPETENT, box 115 Sun office.

FINANCIAL NOTES.

The directors of the Metropolitan Bank have declared a dividend of 6 per cent. for 1908, payable in equal quarterly instalments. In 1907 the fate was 4 per cent.

The directors of the Westinghouse Air Brake Company have declared the regular quarterly dividend of 2½ per cent. and an extra dividend of 2½ per cent. Acting upon the authority given by the stockholders they have voted also to increase the capital stock from 311,000,000 to 314,000,000, out of which a stock & widend of 25 per cent. was declared.

The directors of the Second National Brak

gage bonds and serial notes that coupons maturing January 1, 1908, of the first mortgage bonds, and 6 per cent. serial notes, issue of July 1, 1907, will be paid on and after December 20, at the office of Harvey, Fisk & Sons. The United States Mortgage and Trust Company has just published its annual edition entitled "Frust Companies of the United States." a compilation of the statements of condition of trust companies of the United States as of June 29, 1997, also of officers, di-

MARINE INTELLIGENCE.

MINIATURE ALMANAC THIS DAY. Saudy Honk, 2::4 Gov. Island, 2:46 Hell Gare . 4:29

Arrived THURSDAY, December 12. Ss Samland, Antwerp, Nov. 50
Ss Kherson, Libau, Nov. 25.
Ss Ucayali, Iquitos, Nov. 12.
Ss Manoa, St. Croix, Dec. 6
Ss Kobe, St. Lucia, Dec. 3.
Ss El Dorado, Galveston, Dec. 5.
Ss Antilles, New Orleans, Dec. 7.
Ss City of Columbus, Savannah, Dec. 9.
Ss El Dia, Galveston, Dec. 6.
Ss Jefferson, Norfolk, Dec. 11.

ARRIVED OUT. Ss Carpathia, at Naples from New York. Ss La Provence, at Havre from New York. Ss Adriatic, at Southampton from New York.

SAILED FROM FOREIGN PORTS. Se Kaiserin Auguste Victoria, from Southamptor New York.
Se Majestic, from Queenstown for New York.
Se Majestic, from Liverpool for New York.
Se Mesaba, from London for New York.

OUTGOING BIE SMERIPA

Vigilancia, Nasaau 12 00 M
Tailsman, St. Kitts. 12 00 M
Graecia, Inagua. 9 00 A M
Amste dam, Paramaribo. 9 00 A M
Alamo, Griveston. 9 00 A M
Alamo, Griveston. 9 00 A M
Apache, Jacksonville
Jefferson, Norfolk Philadelphia, Southampton... †Graf Waldersee, Hamburg... Astoria, Glasgow... Korea, Rotterdam... Cestrian, London... Zuia, Curana... Arabistan, Argentina. Herminius, Argentina..... Dupottar Castle, Colon... Prinz Sigismund, Inagua. Trent, Jamaica... Seminole, Santo Domingo. Algonquin, Jacksonville City of Columbus, Savat Proteus, New Or cans Hamilton, Norfolk Nucces, Galveston.

Due To day.

Liverpool Glasgow Kingston Havre Bremen Plymouth Gibratar Armenian. Astoria. Atrato. Floride. Breslat. Pengasivania. Perugia. Kansas City (Br.) Vera Cruz lacksonvill Cartagena La Lorraine.... Lucania.... St. Paul..... Minnetonka. Due Sunday, December 15. California.

Glasgow.... Antwerp. Hayti Guantanamo. By Marconi Wireless.

Ss Pennsylvania, for New York, was 110 miles southeast of Sable Island at 9.25 A. M. yesterday. Ss La Lorraine, for New York was 100 miles cast of Cape Race at 4:15 P. M. Ss Minnetonia, for New York, was in communication with Cape Race, at 4 P. M.

TORD RABLEDAD 4.09 PANE.

New Haven, Conn., Oct. 29, 1907.

To the holders of the Pirst Mortgage 6 per cent. bonds of the New London Steamboat Company, due January 1, 1908, to January 1, 1918, inclusive:

The New York, New Haven and Hartford Railroad Company will, on presentation at its treasurer's office in the city of New Haven, Conn., of at the office of Mesers, J. P. Morgan & Co., in the city of New York, pay at par and accrued interest to the date of presentation the 6 per cent. First Mortgage bonds of the New London Steamboat Company, due January 1, 1908. January 1, 1909.

January 1, 1908. Sanuary 1, 1914; January 1, 1912.

January 1, 1913; January 1, 1914; January 1, 1915.

THE NEW YORK, NEW HAVEN AND MART. January 1, 1916. THE NEW YORK, NEW HAVEN AND HART-FORD R. R. CO.

By A. S. MAY. Treasurer. THE NEW YORK, NEW HAVEN AND MARKETORD RAILROAD COMPANY. FORD RAILROAD COMPANY.

New Haven, Conn., Oct. 29, 1907.

To the holders of the Second Mortgage 4 per cent. bonds of the Harlem River and Postchesier Railroad Company, due June 1, 1911:

The New York, New Haven and Hartford Railroad Company will upon presentation at its treasurer's office in the city of New Haven, Conn., or at the office of Messrs, J. P. Morgan & Co., in the city of New York, pay at par and accrued facterest to the date of presentation the four per cent. Second Mortgage Bonds of the Harlem River and Portchester Railroad Company, due June 1, 1911.

THE NEW YORK, NEW HAVEN AND HART-FORD R. R. CO.

By A. S. MAY, Treasurer, Bonds of The Metropolitan

Telephone and Telegraph Company.

The Mercantile Trust Company. Trustee under a certain mortgage dated May 24, 1888, and an agreement dated November 1, 1888, both executed by The Metropolivan Telephone and Telegraph Company, which the NEW YORK TELEPHONE COMPANY has assumed and agreed to pay, hereby invites proposals for the sale to it, on January 1, 1998, of bonds secured by said mortgage at a price satisfactory to the NEW YORK TELEPHONE COMPANY, at a rate not exceeding par and 10 per centum premium, to such an amount as shall not exceed the sum of \$12,23,50.

GUY RICHARDS. Secretary.

New York, October 31, 1807.

The Federal National Bank, located at Chicago, in the State of Illinois, is closing up at a mairs. All note holders and other creditors of the association are therefore hereby not led to present the notes and other claims against the said Bank, at Chicago, for payment, FRANK G. MURRAY President. Dated, Chicago, November 4, 1907.

COBE & MCKINNON.

FELSENTHAL, FOREMAN & BECKWITH, Counsel. 100 Washington St., Ch

DIVIDUALIST AND INTEREST.

Broadway Savings Institution 5 & 7 Park Place, New York The Board of Trustees have directed that interest be cred-ized to depositors entitled there-to at the rate of FBUE (4. per cent per mannum pay-able on and after Jan. 29, 1996.

H. F. HUICHINSON, President. W. H. ROSE, Acting Secretary.

GREENWICH SAVINGS BANK

S. E. Cor. 6th Ave. and 16th Sc.
INTERIST AT THE RATE OF POUR PER CENT.
PER ANNUM will be credited depositors for the
SIX MONTHS and THREE MONTHS ENDING
DEC. 31, 1992, on all sums from five dollars to three
thousand dollars, entitled; thereto under the bylaws, payable Jan. 20, 1908.

CHARLES M. DUTCHER, Treas.

J. HAMPDEN RUBB, Secretary,
Deposits made on or before JAN. 16, 1928, will
draw interest from JAN. 1, 1908.

NORTH STAR MINES COMPANY.

18 Wall Street. New York, December 11th, 1907. DIVIDEND NO. 14. A dividend of four per cent, on the capital stock of the North Star Mines Company has this day been declared, payable December 21st to stock-

holders of record December 14th. W. D. PAGAN, Secretary, W. D. PAGAN. Secretary.

MANHATTAN RAILWAY COMPANY.

Interborough Rapid Transit Company, Lessee.

NINETY FIFTH QUARTERLY DIVIDENT.

No. 13 Park Row, New York, December 9th, 1907.

The guaranteed quarterly dividend of one and three quarters per cent, on the capital stock of the Manhattan Italiway Company will be paid on and after Thursday, January 2d, 1908, to stockholders of record at the closing of the transier books on Friday, December 13th, 1907, at 3 o'clock P. M.

The transfer books will be reopened on Thursday December 13th, 1907, at 10 o'clock A. M.

D. W. McWILLIAMS, Treasurer.

To the holders of the
FIRST EXTENSION MORTGAGE BONDS
and SERIAL NOTES

BETHLEHEM STEEL COMPANY. BETHELEIEM STEEL COMPANY.
Coupons maturing January 1st, 1808, of the Bethlehem Steel Company First Extension Mortgage Bonds, and Six per cent. Serial Note: Issue of July 181, 1907 will be paid on and after December 2010 on presentation and surrender, at the office of Mesars, Harvey Fisk & Sons, 62 Cedar Street, Ne / York City, of the said coupons.

By order.

By H, JONES, Treasurer.

DULUTH EDISON ELECTRIC COMPANY. Duluth, Minn., Dec. 10th, 1997.
Duluth, Minn., Dec. 10th, 1997.
DivIDEND NO. 7.

The regular quarterly dividend of 11-5% on the Preferred Stock of the DULUTH EDISON ELECTRIC COMPANY has been declared for the quarter ending November 20th, 1997. payable on the first day of January, 1908, to all stockholders of record of Preferred Stock at the close of business on the 17th day of December, 1907. The transfer books will not close.

C. E. VAN BERGEN, Secretary.

The Audit Company of New York

The Board of Directors has this day declared dividends on the Preferred and Common stocks of the Company, payable December 31, to stockholders of record December 28, 1997.

Secretary and Treasurer.

New York, December 10, 1907. United Shoe Machinery Corporation.

A dividend of 112°, (3712c, per share) on the Preferred Capital Stock and of 2°, (39c, per share) on the Preferred Capital Stock and of 2°, (39c, per share) on the Common Capital Stock of this Corporation has been declared payable January 4, 1908, to stockholders of record at the close of business, December 14, 1977.

GEORGE W. BROWN, Treasurer.

Boston, Mass., December 11, 1967.

Notice is hereby given that the books for the registration of The Railroad Securities Company Illinois Central Stock Interest Certificates, Series A, will close on December 14th, 1907, for the regular dividend payment upon said certificates due January 1st, 1908.

Books will reopen on January 2d, 1908.

Books will reopen on January 2d, 1908.

ELECTIONS AND MEETINGS.

THE ANNUAL MEETING of the stockholders of the Grace Land & Improvement Company will be held at the office of the corporation in the Times Building, 42d St. & Broadway. New York City, New York, on the 22d day of December, 1907, at 18 o'clock noon, for the election of Directors and such other business as may properly come before said meeting. aid meeting.

By order of the Board of Directors.

EARNEST BIERICH, President.

WILLIAM R. COLLINS, Secretary.

THE ANNUAL MEETING OF STOCKHOLDERS of THE PriCENIX CORK COMPANY will be held at the office of the Company, 194 Chambers St., Manhattan, New York City, on the 13th day of January, 1908, at 3 o'clock P. M.

GEORGE ALEXANDER.